

**Foxborough Planning Board
Meeting Minutes
April 11, 2013
Town Hall**

Members Present: William Grieder, Gordon Greene, Ron Bressé, Alternate John Rhoads

Members Absent: Kevin Weinfeld, Shannon McLaughlin

Also Present: Planner Sharon Wason, Attorney Cindy Amara

7:00 p.m. Executive Session – Pending litigation discussion with Town Counsel

In light of Mr. Weinfeld and Ms. McLaughlin's absence, Mr. Rhoads will participate in the meeting.

7:29 p.m. Discussion concerning the reappointment of Planning Board alternate member John Rhoads

Mr. Rhoads confirmed that he is willing to serve another year as alternate member of the Board. Mr. Grieder stated that the Board needs to vote on the reappointment and then meet with the Board of Selectmen to confirm the reappointment.

A **motion** to appoint Mr. Rhoads as Alternate Member of the Planning Board was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (3:0:1)(Mr. Rhoads abstained)

7:30 p.m. Public Hearing to amend the Zoning By-Laws Section 9.3 Flood Plain Overlay District

A **motion** to waive the reading of the hearing notice was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (4:0:0)

Ms. Wason explained that the repeat hearings are necessary due to the incorrect Town Meeting date stated in the advertisement and the language is identical to what was presented previously.

There were no comments from the public.

A **motion** to close the public hearing was made by Mr. Greene and seconded by Mr. Bressé. The motion carried ((4:0:0)

A **motion** to make a positive recommendation of the article to Town Meeting was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (4:0:0)

7:35 p.m. Public Hearing to amend the Zoning By-Laws by adding a new Section 7.5 Interim Regulations for Medical Marijuana Uses

A **motion** to waive the reading of the hearing notice was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (4:0:0)

Ms. Wason stated that following the advice of Building Commissioner Casbarra who stated that any uses not mentioned in the Zoning By-Laws Use Table are uses not allowed, the Board voted no action on this article. Subsequently, State regulations were released and now our local regulations can be written knowledgeably.

There were no comments from the public.

A **motion** to close the public hearing was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (4:0:0)

A **motion** to concur with the previous decision to recommend no action on this article at Town Meeting was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (4:0:0)

A **motion** to direct staff to write regulations to be ready for a possible Fall Town Meeting was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (4:0:0)

7:40 p.m. Public Hearing to amend the Zoning By-Laws Section 8.3.4. Dimensional and Design Requirements

A **motion** to waive the reading of the hearing notice was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (4:0:0)

There were no comments from the public.

A **motion** to close the public hearing was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (4:0:0)

A **motion** to make a positive recommendation of the article to Town Meeting was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (4:0:0)

7:45 p.m. Public Hearing to establish a Municipal Affordable Housing Trust

A **motion** to waive the reading of the hearing notice was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (4:0:0)

Ms. Wason explained that this article creates a Housing Trust that would be valid for 3 years.

There were no comments from the public.

A **motion** to close the public hearing was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (4:0:0)

A **motion** to make a positive recommendation of the article to Town Meeting was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (4:0:0)

7:50 p.m. Public Hearing to fund the completion of the Master Plan

A **motion** to waive the reading of the hearing notice was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (4:0:0)

Ms. Wason explained that a public hearing is not required, but since this is a large expense, felt that this needed to be discussed in public. She stated that the Citizen's Advisory Committee has recommended favorable action.

There were no comments from the public.

A **motion** to close the public hearing was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (4:0:0)

A **motion** to make a positive recommendation of the article to Town Meeting was made by Mr. Greene and seconded by Mr. Bressé. The motion carried (4:0:0)

8:00 p.m. Discussion with Cynthia Wall concerning the South Coast Rail Grant received from MAPC to review Zoning in the Downtown area

Ms. Wason introduced Cynthia Wall, Regional Planner with MAPC. Ms. Wall explained that the Town of Foxborough applied for Fiscal Year (FY) 2013 funds under the South Coast Rail Technical Assistance Program to implement steps outlined in the Housing Production Plan. This Plan was prepared by the Metropolitan Area Planning Council (MAPC) using Technical Assistance funds from South Coast Rail's FY 2012 Program. Specifically, the Town requested assistance to create mixed-use opportunities in the downtown and create infill affordable housing. This project also proposes to address zoning recommendations made as part of the 2012-2013 Master Plan Update by McCabe Enterprises, and parking recommendations from the Downtown Foxborough Parking Analysis and Workshop conducted by MAPC in 2012.

Ms. Wall stated that this meeting is to confirm scope and that the recommendations are what the Board would like to tackle.

First issue would be sewer. Currently there is very limited sewer capacity available for downtown and the result is a limit on the density and types of uses that can be accommodated. But there are other things that could be done to be ready for development when sewer is available, such as zoning.

Second issue is downtown zoning. Mr. Grieder stated that he attended the Board of Water & Sewer Commissioners meeting on Monday evening and they expressed a belief that there will be a resolution to the differences between the three towns in reaching an agreement. He added that the Planning Board has presented the BWSC a plan that shows the downtown core district. Mr.

Greene stated that a district area that has been identified for sewer and an overlay district. Mr. Grieder added that overlay districts have been accepted by the community.

Goals & Objectives – would like the Board to set priorities. Mr. Grieder stated that the Downtown Design Review (DDR) process doesn't have any teeth, needs to be strengthened, adding that DDR only applies to Site Plan Review, but doesn't necessarily require applicability. Ms. Wall replied that she saw that as a challenge, it's another Board/application that an applicant has to do. She feels that nothing compels the Planning Board to take the advice of the DDR committee. Mr. Grieder stated that direct policy should be discussed when all Board members are present.

Ms. Wall discussed removing motor vehicle sales & repair as uses. Ms. Wason presented an appendix to the Downtown Foxborough Parking Analysis.

The Board discussed scheduling working sessions for a later date.

8:30 p.m. Discussion concerning "Highlawn Farm" subdivision

Julie McDermott and John Galvani from Norwood Bank and John Walsh from Walsh Brothers Building were present.

Mr. Walsh stated that they are looking to get letters from the Planning Board taking responsibility for the lights for Plympton & Mann when the roads are accepted by the Town. Mr. Grieder asked if there a reason for not requesting a letter for Congdon. Mr. Walsh responded that they have no plans on constructing Congdon at this time. Ms. Wason stated that in the discussions last summer, it was noted that the subdivision has three cul-de-sacs adding that this request should include Congdon. Mr. Grieder asked when they would like to have the letter. Mr. Walsh responded that the process to prepare the plans with National Grid is lengthy; also they won't draw the plans until a letter is issued. He stated that there's a fee charged for each lot in the roads so they don't want to include the cost of the lots on Congdon. Mr. Grieder stated that the Board had its first meeting with Town Counsel. He stated that the Board will take this request under advisement and consult with Town Counsel. He stated that a mediation meeting is scheduled for May 22nd and a Planning Board meeting scheduled for May 30th, this request could be discussed at that meeting. Mr. Rhoads stated that he understands Mr. Walsh's statement that the design will take a very long time and would support issuing letter. Mr. Greene stated that it's reasonable to delay. Ms. Wason suggested preparing 3 letters to National Grid, one for each road. Mr. Galvani stated that his concern is that if momentum is lost, they will be at a loss and the FDIC would close the project. Mr. Grieder stated that if the request is changed to three individual letters, then the Board would be more amenable.

Mr. Walsh gave an update on the subdivision. He stated that they are in the process of final grading & landscaping on 4 lots and building foundations on 2 lots. They will be working on utilities for Plympton & Mann and plan to finish Lawton depending on the soils in the cul-de-sacs.

Ms. Wason suggested that they have their engineer work on the bond estimate for the cul-de-sacs. Mr. Grieder stated that there are punch list items that need to be addressed. Ms. Wason stated that they need to submit a plan for the drainage basin change and calculations, she also discussed tree replacement plan.

Ms. Wason stated that the Board will be presenting to Town Meeting a by-law modification to change setbacks in Open Space Residential Developments. She stated that we have received very negative comments that the house in the corner of Lawton & Plympton is too close to the street.

Mike DiNunzio, 24 Lawton Lane – asked what the street sweeping process is. Mr. Walsh responded that they try to do it every day. Mr. DiNunzio asked that they please make sure that it's done every Friday.

9:25 p.m. Update on “Fox Woods”, “Autumn Valley Estates” and “Pleasant View Estates” subdivisions

“Autumn Valley Estates” subdivision

Ms. Wason stated that the Bank has been notified that the bond has been pulled. Mr. Moore has an attorney that has been trying to delay. Have several bids for landscaping, DPW will repair certain drainage problems.

“Fox Woods” subdivision

Ms. Wason stated that we have received a check from the bank for the remaining funds in the bond but it may be inadequate for all the items that are still outstanding. Mr. Rhoads suggested using iron pins for bounds rather than granite markers.

9:55 p.m. Review of old/new business

Department Fees

Ms. Wason asked for permission to hold a public hearing to revise the new fees for FY14, the Board agreed to the revision of fees.

“Lincoln Hill” subdivision

The Board endorsed the “Lincoln Hill Estates” subdivision plans.

Respectfully submitted,
Gabriela Jordan

Approved by: Kevin Weinfeld _____

Date: 10/24/2013